

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Attorney Docket No. 96-04 D1C1 Total Pages 103

First Named Inventor or Application Identifier

MECHLENBURG et al.

Title Muscle Stimulating Device and Method for Diagnosing  
and Treating a Breathing Disorder

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Express Mail Label No. EL 997388316 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 57]  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 10]
4. ☒ Oath or Declaration [Total Pages 1]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Boxes 19 and 20 completed)  
[Note Box 5 below]
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
  - c. ☐ Unsigned
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the  
disclosure of the accompanying application and is  
hereby incorporated by reference therein.
6. ☒ Application Data Sheet per 37 C.F.R. § 1.76  
[Total Pages 2]

7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c)  
based on the following provisional, nonprovisional, and/or PCT international applications.

	Application No.	Filing Date
(1)	09/761,788	January 17, 2001
(2)	09/173,871	October 16, 1998
(3)	60/062,288	October 17, 1997
(4)		

8. ☒ Prior application is assigned to Respironics, Inc. and the Penn  
State Research Foundation by Assignment recorded February 12,  
1999 Reel 9768 Frame(s) 0688.

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))  
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS Citations  
Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☐ Non-publication Request and Cert. under 35 U.S.C.  
§ 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).
18. ☒ Other: Filing of Formal Drawings

19. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/761,788

Prior application Information: Examiner: Gilbert, S. Group/ArtUnit: 3736

21. CORRESPONDENCE ADDRESS

Customer No.

30031

Name	Michael W. Haas	Reg. No.	35,174
Signature	<i>Michael W. Haas</i>	Date	March 29, 2004

**FEE TRANSMITTAL**

(Effective 10/01/2003)


Application Number	Not Yet Assigned
Filing Date	March 29, 2003
First Named Inventor	MECHLENBURG et al.
Confirmation Number	Unknown
Group Art Unit	Unknown
Examiner's Name	Unknown
Attorney Docket No.	96-04 D1C1

"Express Mail" Label No. EL 997388316 US

**TOTAL AMOUNT OF PAYMENT** \$ 770.00

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																												
<b>1. <input checked="" type="checkbox"/></b> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <u>50-0558</u> Deposit Account Name: <u>Respironics, Inc.</u> <input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20 <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18				<b>3. ADDITIONAL FEES</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or or cover sheet</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>110</td><td>2814</td><td>55</td><td>Statutory Disclaimer</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 C.F.R. § 1.129(a))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination</td><td></td></tr> <tr><td colspan="6">Other Fee (specify) _____</td></tr> </tbody> </table>					Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - 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**SUBMITTED BY**

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature		Date	March 29, 2004
		Deposit Account Number	50-0558

## Certificate of Mailing by "Express Mail"

EL 997388316 US

"Express Mail" label number

March 29, 2004

Date of Deposit

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P.O. Box 1450  
Alexandria, VA 22313-1450.

*Michael W. Haas*

Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of

Inventor : MECHLENBURG et al.  
Appln. No. : Not Yet Assigned (CONT of U.S. Appln. No. 09/761,788)  
Conf. No.: : Unknown  
Filed: : March 29, 2004  
Title: : MUSCLE STIMULATING DEVICE AND METHOD FOR  
DIAGNOSING AND TREATING A BREATHING DISORDER  
Group Art Unit : Unknown  
Examiner : Unknown  
Docket No. : 96-04 D1C1

\* \* \* \* \*

March 29, 2004

**FILING OF FORMAL DRAWINGS**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Please accept herewith the 10 sheets of formal drawings on 8½ x 11 size paper of  
Figures 1-14, which are in lieu of the informal drawing(s) filed earlier. Each sheet of drawings  
includes the identifying indicia suggested in 37 C.F.R. § 1.84 (c) on the front of the drawing.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

Reg. No.: 35,174

Tel. No.: (724) 387-5026

Fax No.: (274) 387-5021

RESPIRONICS, INC.  
1010 Murry Ridge Lane  
Murrysville, PA 15668

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the  
United States Postal Service on March 29, 2004 with sufficient postage as "Express Mail Post Office to Addressee"  
in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

"Express Mail" mailing number: EL 997388316 US.

Michael W. Haas  
Michael W. Haas, Reg. No. 35,174